

MEMO ENDORSED

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MONIQUE LABARR, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE EPOCH TIMES ASSOCIATION, INC.

Defendant.

Civil Action No.: 1:23-cv-01135-VEC

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon all prior pleadings and proceedings herein, and the accompanying Memorandum of Law and other papers, the undersigned will move this Court before the Honorable Valerie E. Caproni, in Courtroom 443 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, 10007, on a date to be determined by the Court, for an Order: (1) dismissing the Class Action Complaint pursuant to Federal Rules of Civil Procedure 8(a), 9(b), 12(b)(1), and 12(b)(6); and (2) granting all such other relief as is just and appropriate.

Date: June 20, 2023

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In light of Plaintiff's First Amended Complaint, *see* Dkt. 14, Defendant's motion to dismiss is denied as moot. The Clerk of Court is respectfully directed to close the open motion at Docket Entry 12. Not later than **Wednesday, July 26, 2023**, Defendant must file a letter to the Court indicating whether it intends to move to dismiss the Amended Complaint. If Defendant intends to move to dismiss, Defendant's motion will be due not later than **Wednesday, August 9, 2023**; Plaintiff's response will be due not later than **Wednesday, September 6, 2023**; and Defendant's reply will be due not later than **Wednesday, September 20, 2023**. Discovery will remain stayed until the Court resolves the motion. If Defendant does not intend to move to dismiss, discovery will be unstayed and the parties must submit a renewed proposed case management plan not later than **Wednesday, August 9, 2023**.

SO ORDERED.

 07/12/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE